

**SAINT VINCENT AND THE GRENADINES
FIREARMS (AMENDMENT) ACT 2010
ARRANGEMENT OF SECTIONS**

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SAINT VINCENT AND THE GRENADINES

ACT NO. 11 OF 2010

I ASSENT

[L.S.]

DR. FREDERICK BALLANTYNE
Governor-General
30th August, 2010

AN ACT to amend the Firearms Act 1995 to provide for the establishment of a firearms licensing board and to provide for other purposes.

[31st August, 2010]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:

- | | |
|--|--|
| <p>1. This Act may be cited as the Firearms (Amendment) Act 2010.</p> | <p>Short title</p> |
| <p>2. Section 2 of the Firearms Act 1995, referred to in this Act as the principal Act, is amended -</p> <p>(a) in the definition of "appropriate authority" by deleting the words "Commissioner of Police" and inserting the word "Board";</p> <p>(b) by inserting after the definition of "automatic firearms" the following definition</p> <p style="padding-left: 40px;">"Board" means the Firearms Licensing Board established by section 2A.;</p> <p>(c) by deleting the definition of "Estate Gun Licence";</p> | <p>Section 2 of principal Act amended No. 12 of 1995</p> |

(d) by deleting the definition of "Firearm User's Licence" and inserting the following definition—

"Firearm User's Licence" means a licence authorising the holder to purchase, acquire, own, possess, carry, or use firearm or ammunition;;

(e) by deleting the definition of "shotgun" and inserting the following definition—

"shotgun" means a smooth bore weapon with an overall length of not less than twenty-four inches;; and

(f) by deleting the definition of "restricted person" and inserting the following definition—

"restricted person" means a person who, within five years immediately preceding the date of his application, has been so declared under section 7;.

Insertion of new sections 2A to 2H

3. The principal Act is amended by inserting after section 2 and in Part II the following sections—

"Establishment and composition of Board 2A. (1) There is established a Firearms Licensing Board.

of Board

(2) The members of the Board are—

(a) the Commissioner or his nominee;

(b) the Permanent Secretary in the Ministry responsible for security; and

Revocation of 2D. The Minister may revoke the
appointment of a member appointed
under section 2A (3) for –

- (a) being absent, without reasonable excuse, from three consecutive meetings of the Board;
- (b) inability to perform his functions; or
- (c) any conduct inconsistent with his functions.

Functions of 2E. The functions of the Board are
Board to –

- (a) receive and consider applications for licences and permits;
- (b) grant and renew licences and permits;
- (c) amend and revoke licences and permits;
- (d) approve places for training in firearms and ammunition;
- (e) promote and oversee public education related to the safe and effective use of firearms and ammunition, and

- (f) perform such other functions as the Board is authorised to perform under this Act.

Powers of Board

2F. (1) The Board may—

- (a) subject to subsection (2), investigate an applicant for a licence or permit; or
- (b) if it thinks fit, require an applicant for a licence or permit to appear before the Board for an interview.

(2) An investigation under subsection (1) (a) shall be restricted to determining whether the applicant is eligible under this Act to receive a licence or permit and the Board shall cease the investigation after it makes that determination.

Procedure of Board

2G (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The Chairman of the Board shall preside at all meetings of the Board and in the absence of the Chairman the members present shall elect one of their number to act as chairman at that meeting.

- (c) three other persons nominated by the Minister who the Cabinet is satisfied are of high integrity and are able to exercise good judgment in fulfilling any responsibility under this Act.

(3) The Minister shall, by instrument in writing, appoint the members specified by subsection (2) (c):

Provided that a person shall not be qualified to be appointed as a member of the Board if –

- (a) he is, or has at any time during the period of five years immediately preceding his appointment been, a member of the House of Assembly; or
- (b) he is, or has at any time during that period been, nominated as a candidate for election as a Representative of a constituency.

(4) The Minister shall, with the approval of the Cabinet, appoint a chairman from among members of the Board.

Terms and
conditions of
members

2B.(1) A member of the Board appointed by the Minister under section 2A (3)

(a) shall, unless he otherwise ceases to be a member, hold office for such term, not being a term exceeding three years, and on such conditions as the Minister determines and shall on the expiration of a term be eligible for reappointment; and

(b) may receive such remuneration as the Minister, with the approval of the Cabinet, may determine.

(2) The remuneration of the members of the Board appointed by the Minister under section 2A (3) shall be charged on and paid out of the Consolidated Fund.

Resignation

2C. A member of the Board appointed under section 2A (3) may at any time resign his office by instrument in writing addressed to the Minister.

(3) A quorum at a meeting of the Board shall be three members one of whom shall be the Commissioner or his nominee.

(4) A decision of the Board shall be by a majority of votes of its members present and voting at a meeting and in the case of an equality of votes the person presiding shall have a casting vote in addition to an original vote.

(5) Except as provided in this Act, the Board may regulate its own proceedings.

Staff 2H. The Board, with the approval of the Prime Minister, may by regulations or otherwise confer powers and impose duties on any public officer or any authority of the Government for the purpose of the exercise of the functions of the Board.”.

4. Section 3 of the principal Act is amended in subsection (2) (a) by deleting the words “Form A of”. Section 3 amended

5. Section 4 of the principal Act is amended by deleting subsections (1) and (2) and inserting the following subsections – Section 4 amended

“(1) The appropriate authority may grant the following categories of licences in the forms approved by the appropriate authority –

- (a) a Firearms User’s Licence; and
- (b) a Firearms Dealer’s Licence.

(2) The appropriate authority may grant the following categories of permits in the forms approved by the appropriate authority–

(a) a Firearms Import Permit; and

(b) a Firearms Export Permit.”.

Section 5
amended

6. Section 5 of the principal Act is amended in subsection (1) by deleting the words “on Form A1 in the Schedule”.

Section 6
repealed and
replaced

7. Section 6 of the principal Act is repealed and the following section is inserted –

“Requirements for grant of licence or permit 6.(1) The appropriate authority may grant or renew a licence or permit if satisfied –

- (a) that the applicant –
- (i) is twenty one years of age or over;
 - (ii) is competent to hold the licence or permit applied for;
 - (iii) has good reason, including protection of self or property or sporting use, for purchasing, acquiring, owning, having in his possession, carrying or using the amount, type and calibre of firearm or ammunition in respect of which the application is made;

- (iv) has not, within the five years immediately preceding the date of his application, been convicted of an offence involving violence and sentenced to a term of imprisonment exceeding six months;
 - (v) has not, within the five years immediately preceding the date of his application, been convicted of an indictable offence and sentenced to a term of imprisonment of two years or greater; and
 - (vi) is not a restricted person;
- (b) that the application is not in respect of a prohibited weapon; and
 - (c) that the applicant has obtained the approval of the Minister if the application is in respect of a restricted weapon or restricted ammunition.

the Minister on such appeal, he may, in writing, appeal to the Cabinet against that decision within twenty one days of the date of the notice of the decision.”.

14. Section 15 of the principal Act is amended in subsection (1) by inserting after paragraph (b) the following paragraph –

Section 15 amended

“(ba) he possesses, carries or uses the firearm or ammunition whilst participating in firearm or ammunition training either at a place approved by the Board for the training in firearms and ammunition or at any other place and whilst under the direct supervision of a police officer designated for that purpose by the Commissioner, or an individual holding a Firearm User’s Licence or Firearm Dealer’s Licence.”.

15. Section 17 of the principal Act is amended in subsection (1) by deleting the words “or within one hundred yards of”.

Section 17 amended

16. Section 23 (2) of the principal Act is amended by deleting the word “Commissioner” and inserting the word “Board”.

Section 23 amended

17. Section 33 of the principal Act is amended by deleting subsection (1) and inserting the following subsection –

Section 33 amended

“(1) The holder of a Firearm User’s Licence who is about to leave Saint Vincent and the Grenadines and is not taking the firearm or ammunition specified in the licence with him shall –

(a) arrange for storage of the firearm or ammunition in a place and under conditions approved by the Board; or

(b) deliver the firearm or ammunition to –

(i) the holder of a Firearm Dealer’s Licence;

- (ii) the holder of a Firearm User's Licence in respect of a firearm or ammunition of the type and calibre of the firearm or ammunition together with the licence; or
- (iii) the nearest police station for safekeeping;

Provided that, in the case of paragraph (b), the holder of the licence shall inform the Board in writing of the place where the firearm or ammunition has been stored.”.

Section 34 amended	18. Section 34 of the principal Act is amended by deleting subsection (2).
Section 37 amended	19. Section 37 of the principal Act is amended in subsection (3) by deleting the word “Commissioner” and inserting the word “Board”.
Section 45 amended	20. Section 45 of the principal Act is amended in paragraph (a) by deleting the word “Commissioner” and inserting the word “Board”.
First Schedule repealed and replaced	21. The First Schedule to the principal Act is repealed and the schedule set out in the Schedule to this Act is inserted.
Pending applications	<p>22. If before the commencement of this Act—</p> <ul style="list-style-type: none"> (a) a person had applied for a licence or permit; and (b) the application was pending immediately before that commencement, <p>the Board may proceed to determine the application.</p>
Transitional provisions for Estate Gun Licence and Firearm (Employees) Permit	<p>23. On and from the commencement of this Act—</p> <ul style="list-style-type: none"> (a) an Estate Gun Licence within the meaning of section 8 of the principal Act in force immediately before the commencement of this Act which licence is in operation immediately before that commencement—

- (i) is deemed to be a Firearm User's Licence which licence shall continue to authorise any employee named therein to carry the relevant firearm to, from and on the land belonging to the holder; and
 - (ii) continues in operation, unless sooner revoked or cancelled, until the date on which the licence would have expired; and
- (b) a Firearm (Employees) Permit within the meaning of section 11 of the principal Act in force immediately before the commencement of this Act which permit is in operation immediately before that commencement—
- (i) is deemed to be a Firearm User's Licence; and
 - (ii) continues in operation, unless sooner revoked or cancelled, until the date on which the permit would have expired.

24. If before the commencement of this Act—

Pending appeals

- (a) a person had appealed to the Cabinet under section 13 (1) as it read immediately before that commencement; and
- (b) the appeal was pending immediately before that commencement,

the Minister may determine the appeal.

SCHEDULE

(Section 21)

“FIRST SCHEDULE

(Section 3)

FORMS

Saint Vincent and the Grenadines

FIREARMS ACT 1995

(Section 3)

APPLICATION FORM

Part 1

To the Firearms Licensing Board

1. I hereby apply for a –
 - (a) licence to keep firearms and ammunition
 - (b) licence to deal in firearms and ammunition.

(Applicant should delete type of licence not required)

2. _____
Full name of applicant

3. _____
Date and place of birth

4. _____
Address

5. Occupation

6. Type, calibre and amount of firearms and ammunition required

7. Reasons for wishing to acquire and keep the firearms and ammunition

Signature of Applicant

Date

Part 2

(For use by the Firearms Licensing Board)

This application is –

NOT approved

Approved and a licence will be issued on payment of the appropriate licence fee.

(Strike out where not applicable)

1. Permission is granted to purchase, acquire, possess, carry or use the following types, calibre and amount of firearms –

Type (rifle/shotgun/revolver/pistol/air-rifle/other)

Calibre

Amount (by type and calibre above)

2. Permission is granted to purchase, acquire, possess, carry or use the following calibres and amount of ammunition –

Calibre

Amount (by calibre above)

Signed on behalf of the Board

Date.”

Passed in the House of Assembly this 5th day of August, 2010.

NICOLE HERBERT
Clerk of the House of Assembly.

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2010

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